

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

JTH TAX, INC., d/b/a  
LIBERTY TAX SERVICE,  
Plaintiff,

VS.

NO. 2:11cv59

TROY CLARK and  
SOUTHWEST TAX STORES, LLC  
Defendants.

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DEPOSITION OF TROY CLARK

Volume 1

May 23, 2011

9:29 a.m.

500 Fourth St. NW, Suite 105  
Albuquerque, New Mexico 87102

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PURSUANT TO THE FEDERAL RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: Ms. Sada L. Sheldon  
ATTORNEY FOR PLAINTIFF

REPORTED BY: Jeannine K. Sims, RPR, NM CCR #12  
Paul Baca Court Reporters  
500 Fourth Street NW, Suite 105  
Albuquerque, New Mexico 87102

1 "information would have to be requested from Freedom  
2 Tax." Are you -- are you listed as a signatory on any  
3 account for Freedom Tax?

4 A. Yes.

5 Q. What accounts are those?

6 A. It's a Freedom Tax. She uses her operating  
7 account. I don't have the account number.

8 Q. How many accounts for Freedom Tax are you a  
9 signatory on?

10 A. Just the whatever she's calling her  
11 operating account.

12 Q. And why are you a signatory on that account?

13 A. Part of the conditions and requirements of  
14 the sales agreement.

15 Q. Okay. When did you first meet Kim  
16 Gutierrez?

17 A. The best of my recollection it was in 2006  
18 or 2007. I don't recall with specificity.

19 Q. And where did you meet her?

20 A. Here in Albuquerque.

21 Q. And what was the events surrounding that  
22 meeting?

23 A. Liberty Tax had forwarded her name as a  
24 potential franchisee.

25 Q. And what was the purpose behind forwarding

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2 THE STATE OF NEW MEXICO :  
3 COUNTY OF BERNALILLO :

4 BE IT KNOWN that the foregoing transcript of  
5 proceedings was taken by me; that I was then and there a  
6 Certified Court Reporter and Notary Public in and for the  
7 County of Bernalillo, State of New Mexico, and by virtue  
8 thereof, authorized to administer an oath; that the  
9 witness before testifying was duly sworn by me; that the  
10 foregoing 105 pages contain a true and accurate  
11 transcript of the proceedings, all to the best of my  
12 skill and ability.

13 BE IT FURTHER KNOWN that examination of this  
14 transcript and signature of the witness was requested by  
15 the witness and all parties present. On  
16 \_\_\_\_\_, a letter was mailed or  
17 delivered to Mr. Todd M. Gaynor regarding obtaining  
18 signature of the witness.

19 I FURTHER CERTIFY that I am neither employed by  
20 nor related to nor contracted with (unless excepted by  
21 the Rules) any of the parties or attorneys in this case,  
22 and that I have no interest whatsoever in the final  
23 disposition of this case in any court.

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24 JEANNINE K. SIMS, CSR, RPR  
25 NM Certified Court Reporter #12  
License expires: 12/31/11  
Paul Baca Court Reporters  
500 Fourth Street, NW, Suite 105  
Albuquerque, New Mexico 87102

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